

**BEFORE THE
BOARD OF PSYCHOLOGY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

SUSAN ELIZABETH KUEHL, Ph.D.
307 Bond Street
Redlands, CA 92373

Psychologist's License No. PSY 15305
License No. PA-13121

Respondent.

Case No. W262

DECISION AND ORDER

The attached Stipulated Surrender of License and Order is hereby adopted by the Board of Psychology, Department of Consumer Affairs, State of California, as its Decision in this matter.

This Decision shall become effective on October 13, 2004.

It is so ORDERED September 13, 2004.

Jacqueline Horn, Ph.D.
FOR THE BOARD OF PSYCHOLOGY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA
JACQUELINE HORN, Ph.D., PRESIDENT

1 BILL LOCKYER, Attorney General
of the State of California
2 SAMUEL K. HAMMOND, State Bar No. 141135
Deputy Attorney General
3 California Department of Justice
110 West "A" Street, Suite 1100
4 San Diego, CA 92101

5 P.O. Box 85266
San Diego, CA 92186-5266
6 Telephone: (619) 645-2083
7 Facsimile: (619) 645-2061

8 Attorneys for Complainant

9 **BEFORE THE**
BOARD OF PSYCHOLOGY
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

Case No. W262

12 SUSAN ELIZABETH KUEHL, Ph.D.
307 Bond Street
13 Redlands, CA 92373

STIPULATED SURRENDER OF
LICENSE AND ORDER

14 Psychologist's License No. PSY 15305

15 Respondent.

16
17 IT IS HEREBY STIPULATED AND AGREED by and between the parties in this
18 proceeding that the following matters are true:

19 **PARTIES**

20 1. Thomas S. O'Connor (Complainant) is the Executive Officer of the Board
21 of Psychology. He brought this action solely in his official capacity and is represented in this
22 matter by Bill Lockyer, Attorney General of the State of California, by Samuel K. Hammond,
23 Deputy Attorney General.

24 2. SUSAN ELIZABETH KUEHL, Ph.D. (Respondent) is represented by in
25 this proceeding by attorney D. Jay Ritt, Bensinger, Ritt & Botterud, LLP, 65 North Raymond
26 Avenue, Suite 230, Pasadena, California 91103.

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3. On or about August 13, 1997, the Board of Psychology (Board) issued Psychologist's License No. PSY 15305 to SUSAN ELIZABETH KUEHL, Ph.D. Said license expires on April 30, 2005.

JURISDICTION

4. Second Amended Accusation No. W262 was filed before the Board of Psychology and is currently pending against Respondent. The Second Amended Accusation and all other statutorily required documents were properly served on Respondent on July 16, 2004. A copy of Second Amended Accusation No. W262 is attached as Exhibit A and incorporated herein by reference.

5. On or about July 31, 2003, Bill Lockyer, Attorney General of the State of California, by and through Samuel K. Hammond, Deputy Attorney General, filed a Petition for Interim Order of Suspension against Respondent. The petition was filed on behalf of Thomas S. O'Connor, the Executive Officer of the Board of Psychology (Petitioner). On August 1, 2003, Petitioner made an ex-parte application for an Interim Order of Suspension under Government Code section 11529. On this same date, Steven V. Adler, Presiding Administrative Law Judge, Office of Administrative Hearings, San Diego Regional Office, issued an ex-parte order immediately suspending Respondent from the practice of psychology, and scheduled a "Noticed ISO Hearing" for September 15, 2003. On or about September 19, 2003, PALJ Adler issued an order after the "Noticed ISO Hearing." The order suspended Respondent from the practice of psychology pending the hearing of Second Amended Accusation No. W262. The suspension order remains in effect.

ADVISEMENT AND WAIVERS

6. Respondent has carefully read, has fully discussed with counsel, and understands the charges and allegations in Accusation No. W262. Respondent also has carefully read, has fully discussed with counsel and understands the effects of this Stipulated Surrender of License and Order.

7. Respondent is fully aware of her legal rights in this matter, including the right to a hearing on the charges and allegations in the Second Amended Accusation; the right to

1 be represented by counsel, at her own expense; the right to confront and cross-examine the
2 witnesses against her; the right to present evidence and to testify on her own behalf; the right to
3 the issuance of subpoenas to compel the attendance of witnesses and the production of
4 documents; the right to reconsideration and court review of an adverse decision; and all other
5 rights accorded by the California Administrative Procedure Act and other applicable laws.

6 8. Respondent voluntarily, knowingly, and intelligently waives and gives up
7 each and every right set forth above.

8 CULPABILITY

9 9. Respondent agrees that at an administrative hearing, complainant could
10 establish a prima facie case with respect to the charges and allegations in Second Amended
11 Accusation No. W262, and agrees that cause exists for discipline and hereby surrenders her
12 Psychologist License W262 to the Board for its formal acceptance.

13 10. Respondent understands that by signing this stipulation she enables the
14 Board to issue an order accepting the surrender of her psychology license without further process.

15 11. Respondent further understands that upon the Board's acceptance of the
16 surrender of her psychology license she will lose all rights and privileges as a psychologist in
17 California as of the effective date of the Board's Decision and Order. Respondent shall cause to
18 be delivered to the Board both her wall and pocket license certificates on or before the effective
19 date of the Decision and Order.

20 12. Respondent fully understands and agrees that should she ever apply for
21 relicensure or should she ever petition for reinstatement of her California Psychologist's License,
22 the charges and allegations contained in Second Amended Accusation No. W262 shall be
23 deemed to be true, correct and admitted by Respondent. Respondent also fully understands that
24 said application for relicensure or petition for reinstatement shall be subject to the provisions of
25 section 2962(a)(1) of the Business and Professions Code.

26 CONTINGENCY

27 13. This stipulation shall be subject to approval by the Board. Respondent
28 understands and agrees that counsel for Complainant and the staff of the Board may

1 communicate directly with the Board regarding this stipulation and settlement, without notice to
2 or participation by Respondent. If the Board fails to adopt this stipulation as its Decision and
3 Order, the Stipulated Surrender of License and Order shall be of no force or effect, except for this
4 paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not
5 be disqualified from further action by having considered this matter.

6 14. The parties understand and agree that facsimile copies of this Stipulated
7 Surrender of License and Order, including facsimile signatures thereto, shall have the same force
8 and effect as the originals.

9 15. In consideration of the foregoing admissions and stipulations, the parties
10 agree that the Board may, without further notice or formal proceeding, issue and enter the
11 following Order:

12 ORDER

13 IT IS HEREBY ORDERED that Psychologist's License No. PSY 15305, issued to
14 Respondent SUSAN ELIZABETH KUEHL, Ph.D., is surrendered and accepted by the Board of
15 Psychology.

16 ACCEPTANCE

17 I have carefully read the Stipulated Surrender of License and Order and have fully
18 discussed it with my attorney D. Jay Ritz. I understand the stipulation and the effect it will have
19 on my psychology license. I enter into this Stipulated Surrender of License and Order
20 voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the
21 Board of Psychology, Department of Consumer Affairs, State of California.

22 DATED: July 04

23
24 Susan Elizabeth Kuehl, Ph.D.
25 SUSAN ELIZABETH KUEHL, Ph.D.
Respondent

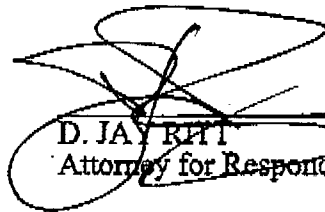
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1 I have read and fully discussed with Respondent SUSAN ELIZABETH KUEHL,
2 Ph.D. the terms and conditions and other matters contained in the above Stipulated Surrender of
3 License and Order. I approve its form and content.

4 DATED: 8/2/04

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9 D. JAY RITT
Attorney for Respondent

10 ENDORSEMENT

11 The foregoing Stipulated Surrender of License and Order is hereby respectfully
12 submitted for consideration by the Board of Psychology, Department of Consumer Affairs, State
13 of California.

14 DATED: 8/5/04

15
16 BILL LOCKYER, Attorney General
of the State of California

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18 
19 SAMUEL K. HAMMOND
Deputy Attorney General

20 Attorneys for Complainant

21
22 SKH/dmh
23 DOJ Docket Number:
24 \\all\Hammond\Kuehl-surrender

Exhibit A

SECOND AMENDED ACCUSATION No. W262

1 BILL LOCKYER, Attorney General
of the State of California
2 SAMUEL K. HAMMOND, State Bar No. 141135
Deputy Attorney General
3 California Department of Justice
110 West "A" Street, Suite 1100
4 San Diego, CA 92101

5 P.O. Box 85266
San Diego, CA 92186-5266
6 Telephone: (619) 645-2083
Facsimile: (619) 645-2061

7 Attorneys for Complainant
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9

FILED
STATE OF CALIFORNIA
BOARD OF PSYCHOLOGY
SACRAMENTO July 16 20 04
BY M. Jacekman ANALYST

10 **BEFORE THE**
11 **BOARD OF PSYCHOLOGY**
12 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

13 In the Matter of the Accusation Against:

Case No. W262

14 SUSAN ELIZABETH KUEHL, Ph.D.
307 Bond Street
15 Redlands, CA 92373

**SECOND AMENDED
ACCUSATION**

16 Psychologist's License No. PSY 15305
Respondent.
17

18

19 Complainant alleges:

20 **PARTIES**

21 1. Thomas S. O'Connor (Complainant) brings this Accusation solely in his
22 official capacity as the Executive Officer of the Board of Psychology, Department of Consumer
23 Affairs.

24 2. On or about August 13, 1997, the Board of Psychology issued
25 Psychologist's License No. PSY 15305 to Susan Elizabeth Kuehl (Respondent). Said license was
26 in full force and effect at all times relevant to the charges brought herein. Said license expires on
27 April 30, 2005.

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1 of conviction has been affirmed on appeal or when an order granting probation is made
2 suspending the imposition of sentence, irrespective of a subsequent order under section 1203.4 of
3 the Penal Code allows the person to withdraw his or her plea of guilty and to enter a plea of not
4 guilty, or setting aside the verdict of guilty, or dismissing the accusation, information or
5 indictment.”

6 F. Code section 822 provides, in pertinent part, that a licensing agency may
7 revoke or suspend the license of a licentiate if the licensing agency determines that the licentiate's
8 ability to practice his profession safely is impaired because the licentiate is mentally ill, or
9 physically ill affecting competency.

10 G. Code section 118(b) provides, in pertinent part, that the suspension
11 forfeiture by operation of law of a licentiate issued by a board, or its suspension, forfeiture,
12 cancellation by order of the board or by order of a court of law, or its surrender without the
13 written consent of the board, shall not, during any period in which it may be renewed, restored,
14 reissued, or reinstated, deprive the board of the authority to institute or continue a disciplinary
15 proceeding against the licensee upon any ground provided by law or to enter an order suspending
16 or revoking the license or otherwise taking disciplinary action against the licensee on any such
17 ground.

18 H. Section 2964.6 of the Code states that an administrative disciplinary
19 decision that imposes terms of probation may include, among other things, a requirement that the
20 licensee who is being placed on probation pay the monetary costs associated with monitoring the
21 probation.

22 I. Section 125.3 of the Code states, in pertinent part, that the Board may
23 request the administrative law judge to direct a licentiate found to have committed a violation or
24 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
25 and enforcement of the case.

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1 FIRST CAUSE FOR DISCIPLINE

2 (Mental Impairment and/or Physical Impairment Affecting Competency)

3 4. Respondent, Susan Elizabeth Kuehl, Ph.D., is subject to disciplinary action
4 based on Code section 822 in that respondent is impaired because of mental illness or
5 physical illness affecting competence as follows:

6 A. Sometime in October 2002, Patton State Hospital (Patton), respondent's
7 employer, commenced an investigation into allegations of a deterioration in respondent's
8 functioning as a psychologist. The investigation resulted in the findings that respondent had
9 "experienced a deterioration in her functioning as a psychologist over the past two years, more
10 marked over the past eight to ten months;" that over the same eight to ten-month period,
11 respondent had "shown a pattern of striking mis-perceptions and distortions" in her recollection of
12 events, conversations and facts; that she had "often been rambling, circumstantial and tangential"
13 in her conversation and phone messages; that she had exhibited poor boundaries with patients,
14 and had "displayed much emotional and affective lability;" and that she threatened to shoot
15 herself in the head during a conversation with Patton's Chief of Staff. Based on these findings,
16 Patton requested respondent submit to a full psychological and neuropsychological assessment.
17 By December 11, 2002, respondent had not complied with this request and Patton terminated
18 respondent's staff privileges.

19 B. On August 16, 2002, respondent was arrested and cited for petty theft in
20 violation of penal Code section 488. The circumstances of the arrest are as follows: On August
21 16, 2002, while shopping at the WalMart store located on 2050 W. Redlands Boulevard,
22 respondent selected and donned a pair of pants, a pair of underwear and a shirt in the fitting
23 room. She then proceeded to the shoe department, selected and put on a pair of shoes placing her
24 old shoes into the box. Respondent then attempted to walk out the store without paying for these
25 items. On April 22, 2003, before the Superior Court of California, County of San Bernardino, in
26 the case of *People vs. Susan Elizabeth Kuehl*, Case No. MRE013971, respondent was convicted
27 on her own guilty plea of one count of unlawful fighting in public. As a consequence of the

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1 guilty plea, the Superior Court withheld pronouncement of judgment for three (3) years, and
2 respondent was ordered to pay fines, and the petty theft charge (PC 488) was dismissed.

3 C. On or about January 15, 2004, in the Superior Court for the State of
4 California, County of San Bernardino, San Bernardino District, in case of *People v. Susan*
5 *Elizabeth Kuehl*, Case No. FSB039846, respondent was convicted on her nolo contendere plea,
6 of one count of destruction of government property in violation of Government Code section
7 6201. As a result of plea, respondent was sentenced to 36 months formal probation and was
8 ordered to serve 180 days in jail, among other things. The circumstances leading to the
9 conviction are as follows: On October 25, 2002, Patton issued an order prohibiting respondent
10 from entering the forensic compound housing judicially committed patients at Patton State
11 Hospital. During the evening of November 1, 2002, respondent broke into a locked file cabinet in
12 Patton's Medical Staff Office and stole approximately 28 confidential credential files of senior
13 psychology and medical staff. She also removed the original of her own credential file from the
14 cabinet. The burglary incident was investigated by a Senior Special Investigator for the State of
15 California.

16 On November 13, 2002, respondent's house and vehicles were searched pursuant
17 to a search warrant. Among the items found during the search were respondent's original file, a
18 list of names of all physicians and psychologists on staff at Patton State Hospital which was kept
19 in the file cabinet, several confidential patients' files, and audiotapes of illegally taped
20 conversations between respondent and Patton's staff. However, none of the other 28 files were
21 found. On May 12, 2003, respondent's boyfriend contacted the Senior Investigator and offered
22 to deliver between 10 and 12 of the stolen confidential files for a \$400 reward. The boyfriend
23 produced 10 of the stolen files in exchange for \$400. On May 20, 2003, the boyfriend admitted
24 that respondent brought the files home on November 1, 2002. He stated he burned most of the
25 files but did not have time to burn the 10 files so he buried them in respondent's backyard. On or
26 about June 16, 2003, a criminal complaint was filed against respondent in the San Bernardino
27 Superior Court charging respondent with one felony count of burglary in violation of Penal Code

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1 section 459, and one felony count of public records violation in violation of Government Code
2 section 6200.

3 D. On or about June 3, 2004, in the Superior Court for the State of California,
4 County of San Bernardino, Redlands District, in case of *People v. Susan Elizabeth Kuehl*, Case
5 No. FRE006534, respondent was convicted on her plea of nolo contendere, of one felony count
6 of burglary in violation of Penal Code section 459. As a result of the plea, respondent was
7 sentenced to three (3) years probation and was ordered to serve 60 days in jail, among other
8 things. The circumstances leading to the conviction are as follows: On or about February 18,
9 2003, by use of the Internet, respondent obtained information of the American Express Credit
10 Card of another person (Ms. R.R.) Without authorization, respondent impersonated Ms. R.R.
11 and used the credit card to purchase a Costco Gift Card which she had delivered to her home on
12 February 24, 2003. On or about February 27, 2003, respondent redeemed the gift card for a
13 television set at a Costco store in San Bernardino. Later, respondent returned the television set to
14 the store for cash.

15 E. On or about September 29, 2003, in the Superior Court for the State of
16 California, County of San Bernardino, Redlands District, in case of *People v. Susan Elizabeth*
17 *Kuehl*, Case No. MRE 015506, respondent was convicted on her plea of nolo contendere, of one
18 count of being under the influence of a controlled substance in violation of Health and Safety
19 Code section 11550. As a result of the conviction, respondent was given a suspended 90-day jail
20 sentence and was ordered to undergo and complete a drug rehabilitation program, among other
21 things. The circumstances of the conviction are as follows:

22 On July 25, 2003, respondent spent the night at the lobby of the Redlands Police
23 Department (Police Department) because her "roommate to be was at her house" and she "felt
24 safer staying in the lobby of the Redlands Police Station." At about 3:39 p.m. the next day
25 (July 26, 2003), respondent again appeared at the Redlands Police Department with drug
26 paraphernalia (consisting of five glass pipes commonly used for smoking methamphetamine)
27 which she said her roommate had brought to her house against her wishes. When questioned by
28 an officer, respondent appeared fidgety and her speech was slurred, incoherent and rapid. She

1 also appeared anxious, confused, disoriented and unable to stand still. The officer believed
2 respondent to be hallucinating and asked respondent if she ever used controlled substances.
3 Respondent admitted to the officer that she had used controlled substances such as "speed" the
4 day before. The officer performed some sobriety tests and determined respondent was under the
5 influence of controlled substances. The officer arrested respondent for using controlled
6 substances in violation of Health and Safety Code section 11550(a). A blood sample obtained on
7 this date showed respondent had amphetamines in her system. Respondent was issued Citation
8 No. 72839 and ordered to appear in San Bernardino County Superior Court on September 25,
9 2003.

10 F. Between August 2002 and May 2003, the Redlands Police Department
11 made approximately 14 "service calls" at respondent's home. Some of the service calls were in
12 response to calls from other people stating respondent had threatened to kill herself, some were in
13 response to respondent's calls stating that her live-in boyfriend was holding her captive or
14 terrorizing her, or that her repairman "beat her up." The police often found respondent
15 disoriented, incoherent and unable to give a statement. Respondent's home was described as
16 filled with broken glass and mirrors with numerous punch holes in the wall. The police seized two
17 guns from the house.

18 5. As a result of the allegations contained in paragraph 4, above, respondent
19 Susan Elizabeth Kuehl, Ph.D., is subject to disciplinary action based on Code section 822 in that
20 respondent suffers from mental illness and/or physical illness affecting competency which renders
21 her unable to practice psychology.

22 SECOND CAUSE FOR DISCIPLINE

23 (Unprofessional Conduct)

24 6. Respondent, Susan Elizabeth Kuehl, Ph.D., is further subject to disciplinary
25 action for unprofessional conduct in that she broke into the locked file cabinet of her employer
26 and stole confidential credential files, removed and kept Patton's patients' confidential
27 files without permission, and "audiotaped" telephone conversations with Patton's medical staff
28 without permission, as more particularly alleged in paragraph 4, above.

1 THIRD CAUSE FOR DISCIPLINE

2 (Conviction of a Crime)

3 7. Respondent, Susan Elizabeth Kuehl, Ph.D., is further subject to
4 disciplinary action for unprofessional conduct in that she was convicted of crimes substantially
5 related to the practice of a psychologist in violation of Code sections 2960(a) and 490, as more
6 particularly alleged in paragraph 4, above.

7 FOURTH CAUSE FOR DISCIPLINE

8 (Use of Controlled Substances)

9 8. Respondent, Susan Elizabeth Kuehl, Ph.D., is further subject to
10 disciplinary action for unprofessional conduct in violation of Code section 2960(b) in that she
11 used controlled substances and/or dangerous drugs in a manner dangerous to herself as more
12 particularly alleged in paragraph 4, above.

13 PRAYER

14 WHEREFORE, Complainant requests that a hearing be held on the matters herein
15 alleged, and that following the hearing, the Board of Psychology issue a decision:

16 1. Revoking or suspending Psychologist's License No. PSY 15305, issued to
17 respondent Susan Elizabeth Kuehl, Ph.D.;

18 2. Ordering respondent to pay the Board of Psychology the reasonable costs
19 of the investigation and enforcement of this case, and, if placed on probation, the costs of
20 probation monitoring;

21 3. Taking such other and further action as deemed necessary and proper.

22 DATED: July 16, 2004.

23 

24 THOMAS S. O'CONNOR
25 Executive Officer
26 Board of Psychology
27 Department of Consumer Affairs
28 State of California
Complainant

27 SKH:dmh 7/14/04

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DECLARATION OF SERVICE BY CERTIFIED MAIL

In the Matter of the Accusation filed
Against:

Susan Elizabeth Kuehl, Ph.D.

No.: W262

I, the undersigned, declare that I am over 18 years of age and not a party to the within cause; my business address is 1422 Howe Avenue, Ste. 22 Sacramento, California 95825. I served a true copy of the attached:

DECISION AND ORDER

by mail on each of the following, by placing same in an envelope (or envelopes) addressed (respectively) as follows:

NAME AND ADDRESS

CERT NO.

Susan Elizabeth Kuehl, Ph.D.
307 Bond Street
Redlands, CA 92373


7003 2260 0007 4804 9002

D. Jay Ritt, Esq.
Bensinger, Ritt & Botterud, LLP
65 North Raymond Ave., Ste. 230
Pasadena, CA 91103

Samuel K. Hammond
Deputy Attorney General
Office of the Attorney General
110 West A Street, Suite 1100
San Diego, CA 92101

Each said envelope was then on, September 13, 2004, sealed and deposited in the United States mail at Sacramento, California, the county in which I am employed, as certified mail, with the postage thereon fully prepaid, and return receipt requested.

Executed on, September 13, 2004, at Sacramento, California.
I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.


DECLARANT
Mary Laackmann
Enforcement Analyst